

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 4, 2004. Claims 21-62 were pending in the Application. In the Office Action, Claims 21, 24, 26, 29, 36, 45, 46, 52, 53, 57 and 58 were rejected, Claims 22, 23, 25, 27, 28, 30-35, 37-39, 47-51, 54-56 and 59-62 were objected to, and Claims 40-44 are allowed. In order to advance and expedite the prosecution of the present Application, Applicant amends Claims 21-23, 29-31, 36, 38, 46-52, 54-57 and 59-62 and cancels without prejudice or disclaimer Claims 45, 53 and 58. Thus, Claims 21-44, 46-52, 54-57 and 59-62 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

**ALLOWED CLAIMS**

Applicant thanks the Examiner for indicating the allowance of Claims 40-44. Claims 40-44 remain unchanged. Therefore, Applicant respectfully submits that Claims 40-44 remain in condition for allowance.

**CLAIM OBJECTIONS**

Claims 22, 23, 25, 27, 28, 30-35, 37-39, 47-51, 54-56 and 59-62 were objected to as being dependent upon rejected base claims. Applicant notes with appreciation that the Examiner indicated that Claims 22, 23, 25, 27, 28, 30-35, 37-39, 47-51, 54-56 and 59-62 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has re-written Claims 47, 55 and 59 to independent form including all of the limitations of their respective base claims (Claims 45, 53 and 58). Thus, the scope of originally submitted Claims 47, 55 and 59 remains unchanged. Further, Claims 45, 53 and 58 have been canceled without prejudice or disclaimer, Claims 46 and 48-52 have been amended to depend from Claim 47, Claims 54 and 56-57 have been amended to depend from Claim 55, and Claims 60-62 have been amended to depend from Claim 59. Thus, Applicant respectfully requests allowance of

Claims 46-52, 54-57 and 59-62.

The remaining objected Claims 22, 23, 25, 27, 28, 30-35 and 37-39 depend respectively from independent Claims 21, 29 and 36. For the reasons discussed below, Claims 21, 29 and 36 are in condition for allowance. Therefore, Claims 22, 23, 25, 27, 28, 30-35 and 37-39 that depend respectively therefrom are in condition for allowance, and Applicant respectfully requests allowance of Claims 22, 23, 25, 27, 28, 30-35 and 37-39.

### **SECTION 102 REJECTIONS**

Claims 21, 24, 26, 29, 36, 45, 46, 52, 53, 57 and 58 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,880,765 issued to Ueda et al. (hereinafter "*Ueda*"). As discussed above, Claims 45, 53 and 58 have been canceled without prejudice or disclaimer, and Claims 46, 52 and 57 have been amended to depend respectively from allowable Claims 47 and 55, thereby rendering the rejection of Claims 45, 46, 52, 53, 57 and 58 moot. Applicant respectfully traverses this rejection for remaining rejected Claims 21, 24, 26, 29 and 36.

Of the remaining rejected claims, Claims 21, 29 and 36 are independent. Applicant respectfully submits that *Ueda* does not disclose or even suggest each and every limitation of Claims 21, 29 and 36 as amended. For example, Applicant respectfully submits that *Ueda* does not disclose or even suggest "an electromagnetic element adapted to generate the electromagnetic field proximate to the reflector element to produce rotational and lateral movement of the reflector element relative to the data storage medium" as recited by amended Claim 21 (emphasis added), "controlling, via the electromagnetic field, rotational and lateral movement of the reflector element relative to the data storage medium" as recited by amended Claim 29 (emphasis added), or "means for controlling, via an electromagnetic field, rotational and lateral movement of the reflecting means relative to the data storage medium" as recited by amended Claim 36 (emphasis added). To the contrary, *Ueda* appears to be limited to providing only rotational movement of the reflecting mirror 16a of *Ueda* (*Ueda*, column 6, lines 9-18, figures 1 and 3). Therefore, for at least this reason, Applicant respectfully submits that *Ueda* does not anticipate Claims 21, 29 or 36 as amended.

Applicant has amended Claims 22, 23, 30, 31 and 38 in response to the amendments made to respective Claims 21, 29 and 36 (e.g., antecedent basis). Further, Claims 24 and 26 that depend from independent Claim 21 are also not anticipated by *Ueda* at least because they incorporate the limitations of Claim 21 and also add additional elements that further distinguish *Ueda*. Therefore, Applicant respectfully requests that the rejection of Claims 24 and 26 be withdrawn.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: James L Baudino  
James L Baudino  
Reg. No. 43,486

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Correspondence to:  
L.Joy Griebenow, Esq.  
Hewlett-Packard Company  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400  
Tel. 970-898-3884